

GUIDELINES FOR EMERGENCY CERTIFICATIONS

The Wetlands Protection Act, M.G.L. Chapter 131 Section 40 and the Wetlands Regulations, 310 CMR 10.00 (found at 310 CMR 10.06), provide that an Emergency Certification may be issued to permit emergency projects without having previously filed a Notice of Intent. A project may be granted an Emergency Certification if the following requirements are met:

- 1) The person requesting the certification must specify, orally or in writing:
 - a. why the project is necessary for the protection of the health or safety of the citizens of the Commonwealth; and
 - b. the agency or subdivision of the Commonwealth which will perform the work or has ordered the work to be done; and
 - c. describe the extent of the proposed work necessary to abate the emergency condition

- 2) The Conservation Commission or the Department of Environmental Protection may issue an Emergency Certification after receiving the certification request and:
 - a. conduct a site inspection; and
 - b. verifying that the proposed work is for the protection of the health or safety of the citizens of the Commonwealth and does not include work beyond that necessary to abate the emergency.

WPA EMERGENCY CERTIFICATION FORM SHOULD BE USED

- 3) When an Emergency Certification is issued, it must be in writing and should contain:
 - a. a description of the permitted work determined necessary to abate the emergency; and
 - b. a time limitation for performance of the work, not to exceed 30 days.

- 4) An Emergency Certification issued by a Conservation Commission shall be signed by a majority of the Commission. In a situation requiring immediate action, an Emergency Certification may be signed by a single member or agent of the Commission, if said Certification is ratified by a majority of the members at the next scheduled meeting of the Commission

- 5) An Emergency Certification, when issued by a Conservation Commission, shall immediately be sent to the Department, and when issued by the Department shall immediately be sent to the Commission